

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of J.N.G. and B.S., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RENEE GAMEZ,

Respondent-Appellant.

and

BRADLEY STEPHENS

Respondent.

UNPUBLISHED

October 7, 2003

No. 246592

Lapeer Circuit Court

Family Division

LC No. 02-009168-NA

Before: Murphy, P.J., and Cooper and C. L. Levin*, JJ.

MEMORANDUM.

Respondent Renee Gamez appeals by leave granted the January 15, 2003, order issued by the trial court directing her to submit to a medical examination “to determine an appropriate form of birth control.” While this issue was pending on appeal, the trial court attempted to rescind this portion of its order but lacked the requisite authority under MCR 7.208(A)(1).

We remand this case back to the trial court to allow it twenty-eight days within the date of the issuance of this memorandum in which to rescind the January 15, 2003, order to the extent it requires respondent to submit to a medical examination for birth control purposes. MCL 7.216(A)(7). Upon entry of the order, the trial court will file a copy of said order with this Court.

We retain jurisdiction.

/s/ William B. Murphy

/s/ Jessica R. Cooper

/s/ Charles L. Levin

* Former Supreme Court justice, sitting on the Court of Appeals by assignment.